

**The Planning Board held a meeting on November 3, 2010 at 7:00 in the GAR Room, City Hall. Members present: Chairperson Wayne McAllister, Avalon McLaren, Vahan Boyajian, Donald Ritucci, Anthony Donegan, Peter Gibbons, Susan Nicastro, Paul Sullivan, and James McCarthy. Also present was Secretary Pamela Gurley.**

### **1. Proposed Change to Plan**

Property: Pearl Estates

Representative: Todd Pilling, Pilling Engineering

Mr. Pilling said that the roadway in subdivision is 99% completed. He said as a result of complaints from neighborhoods about excess water on their property since construction of the subdivision roadway, they are proposing to modify the berm to add a concrete core to hold back water. He said this design has been approved by the Conservation Commission and they are asking for the Planning Board's approval to the change in the design.

A motion was properly made (Sullivan), seconded (McCarthy) and unanimously passed to approve the modification to the berm design.

### **2. Site Plan Review**

Property: 144 Howard Street

Applicant: Malkait Singh Gill

Representative: Jamal Smith

Mr. Pilling said that although the plans were submitted by Curley & Hanson (surveyor) his firm is the engineer for the project and is familiar with the project. He said that the project is a 1,300 SF addition to the Bridgeway Liquors building. He said they are adding catch basins with hoods to the parking lot. He said they received a variance from the ZBA. Ms. Nicastro asked what relief was requested from the ZBA and was told parking. Mr. Gibbons asked how far the addition was from the property line and the oil tanks next door. Mr. Pilling said they are 2'.8" to the property line and about 40' to tanks. Mr. Gibbons asked if there was any rule that governs how close you can be to above ground storage tanks and Mr. Pilling said not to his knowledge and said he did not believe that was a problem.

Mr. McCarthy asked if they checked the clearance from the addition to the utility pole (something he brought it up at tech review). Mr. Pilling said that all the above ground wires will be eliminated they will be starting at the pole in the front and running the wires underground. Mr. McAllister asked how high the wall was and Mr. Pilling said 13'. Mr. McAllister then asked about snow removal and the builder said that they added a note on plan stating it will be removed from site. Mr. McAllister asked about catch basin maintenance and Mr. Pilling said it was addressed in condition #3.

Mr. McAllister noted for the record that site review projects have a two year time limit for project completion.

A motion was properly made (Ritucci), seconded (Donegan) and unanimously passed to grant a standard approval for the project.

### **3. Definitive Subdivision**

Property: 678 East Street

Lots: Two (Brockton)

Applicant: Robert & Joanne Carroll

Representative: Todd Pilling, Pilling Engineering

Mr. McAllister said that this matter can not be heard as the legal notice was not re-run in the paper.

Attorney O'Shaughnessy said that at this time he is requesting that the Board send out the submittal for peer review. The Chair said that his request will be taken under advisement.

The Chair said that the required advertisements will run for the December 7, 2010 meeting.

### **4. Definitive Subdivision**

Property: 1093 N. Montello

Applicant: North Montello Street Cohasset LLC

Representative: Brendon Sullivan, Cavanaro Consulting

Atty. Galvin Cockfield

Atty. Cockfield said that the Planning Board denied their plan in the spring of 2007. He said that they appealed the decision and the Court decision stated that any denial needs to be based on the Planning Board Rules & Regulations. He said that the parties agreed to a remand back to the Planning Board.

Mr. Sullivan said that they have addressed all 23 comments that were contained in the original review letter. He said that he felt that the additional comments in the November 3, 2010 DPW memo are not contained in the Rules and Regulations. Mr. McAllister pointed out that items # 5 & 6 are requirements. Mr. Sullivan said that the plan does show underground utilities in the detail sheet but not on plan sheet and lighting will be added at the time of construction.

Mr. McCarthy asked if the site is contaminated. Attorney Cockfield said there is an open file with DEP. Mr. Barry said that there are a series of time elements that are met for testing. Mr. McCarthy asked what the contamination was from and Attorney Cockfield said an off site gas station.

Mr. Ritucci asked what the plans are for the property; Attorney Cockfield said this process is to freeze the zoning to protect the use of land; he said they are just trying to get a layout approved to get the zoning freeze.

Mr. McAllister asked for those present in favor or opposed to speak. He said that the issue before the Board is the subdivision of the property.

Priscilla Newton said she is opposed because she feels that there is still a plume of gas under Quinn Freights. She asked if they have gone to Conservation. Mr. McAllister said if there are wetlands on the site that they would need to do that before building. Ms. Newton said that the Board of Health closed the road at one time although she could not remember for what reason. She also said that she was concerned that the plume may affect the water supply in Avon.

Mr. McCarthy asked if they had any idea how much gasoline is under the ground. Attorney Cockfield said that is being dealt with at the state level...but has nothing to do with this application.

Nancy Sarson said she is opposed and wants to know what is going in there.

Sherry Kennedy said she is opposed. She said that this is a trash company and wondered why they were not telling them what they want to use the property for. She said they already have Champion City Recovery (CCR). She also wanted to know who polices the "conditions".

Mr. McAllister said that the applicant has the right to subdivide the property according to the Board's Rules & Regulations. Mr. McLaren said that the Board is not approving the usage of the site... usage is according to zoning...they are approving how they want to subdivide the property.

Peggy McGrath stated that she was also opposed.

Ms. Nicastro also asked what they proposed to use the buildings for. Attorney Cockfield said he has no idea, there is no proposed use, no tenant as of yet, and at this time the real estate market is not good. Mr. McAllister said that the proposed buildings are approved under the site review process.

Mr. Barry said he bought the property to be near CCR; he said the property has a railroad spur; he paid 3.5 million for a property with a lot of opportunity. He said he is here to get his rights back. He has proposed nothing that is detrimental to neighborhood. He said he bought the property with the solid waste issue and is cleaning up the property.....he only wants to protect what he owned.

Public input portion closed.

Mr. McAllister read the past chair's (John Murphy) statement into the record from the minutes in 2007 regarding re-submittal of plans.

A motion was properly made (Donegan) and seconded (Nicastro) to issue a standard approval to the definitive subdivision for 1093 N. Montello St.

On the Motion: Mr. McCarthy asked about the issue of contamination. Attorney Cockfield said that they understand their obligations and that portion are being handled by the state. He also stated for the record that they would be happy to accept additional conditions as contained in the DPW memo dated November 3, 2010.

Mr. McAllister asked what the method of surety will be and Attorney Cockfield said a covenant.

The motion was passed by unanimous vote.

### **Other Business**

#### **Review and Approve Minutes**

Brockton Power – Update on Preliminary Plan Law Suit: Discussion on this matter was postponed.

The secretary was advised to add under the “other business” category *Executive Session/Pending Litigation-Brockton Power* to each agenda.

Meeting adjourned.